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9
7 *Counsel for Plaintiff, on behalf of himself
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8 [Additional Counsel on signature page]

9
10 **IN THE UNITED STATES DISTRICT COURT**
11 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

12 PAUL CORMIER and }

13 NICHOLAS SHONER, on }

14 behalf of themselves and all }

15 others similarly situated, }

16 Plaintiffs, }

17 vs. }

18 CARRIER CORPORATION, }

19 Defendant. }

20 Case No.: 8:18-cv-07030-
21 CAS (EX)

22 **UNOPPOSED MOTION
23 FOR ENTRY OF
24 JUDGMENT**

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Pursuant to Rules 58 and 68(a) of the Federal Rules of Civil Procedure, Plaintiffs Nicholas Shoner and Paul Cormier (“Plaintiffs”) move for entry of final judgment in the form attached as Exhibit A. Defendant Carrier Corporation (“Defendant”) does not oppose this request. In support of this Motion, Plaintiffs state as follows:

1. Plaintiffs filed this Action against Defendant on June 8, 2018, and it was transferred to this Court. (ECF No. 1.)

2. On October 22, 2018, in its decision on Defendant’s motion to dismiss, the Court dismissed all claims asserted by Mr. Shoner. (ECF No. 52.) Although the Court afforded the plaintiffs 14 days to amend the complaint, they chose to stand on the original complaint. Therefore, all of Mr. Shoner’s claims have been dismissed since October 22, 2018.

3. On November 16, 2020, Mr. Cormier accepted an offer of judgment in his favor from Carrier, inclusive of costs and fees. (ECF No. 116.) Mr. Cormier is entitled to entry of judgment under Rule 68, which states that after acceptance of an offer of judgment, “[t]he clerk must then enter judgment.”

4. As there are no longer any claims pending, the Court should enter final judgment concluding this Action as to all claims and parties.

5. Even though the Court consolidated this action for “pretrial purposes only” with the action in *Oddo v. United Technologies Corporation*, case number 8:15-cv-01985-CAS(Ex), (ECF No. 104), “one of multiple cases consolidated under [Rule 42(a)] retains its independent character, at least to the extent it is appealable when finally resolved, regardless of any ongoing proceedings in the other cases.” *Hall v. Hall*, 138 S. Ct. 1118, 1128-29 (2018). Thus, the Court should enter final judgment in this action.

6. Plaintiffs, therefore, respectfully request that the Court enter judgment in the form attached as Exhibit A.

7. Plaintiffs’ counsel has conferred with Defendant’s counsel, and Defendant does not oppose this motion.

1 DATED: February 26, 2021 By: /s/ Timothy N. Mathews
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1 **CERTIFICATE OF SERVICE**

2 I certify that on February 26, 2020, a copy of the foregoing *Unopposed*
3 *Motion for Entry of Judgment* was served via the ECF notification system on all
4 registered users.

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6
7 /s/ Timothy N. Mathews
8 Timothy N. Mathews

9 Attorney for Plaintiff

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